

AHT

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

M10- 986

- - - - -X

UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(21 U.S.C. §§ 952(a)  
and 960)

HECTOR DE LA CRUZ,

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

ANDREW KAPPAUF, being duly sworn, deposes and states that he is a Special Agent with United States Immigration and Customs Enforcement, Department of Homeland Security, duly appointed according to law and acting as such.

Upon information and belief, on or about August 26, 2010, within the Eastern District of New York and elsewhere, defendant HECTOR DE LA CRUZ did knowingly, intentionally and unlawfully import into the United States from a place outside thereof a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for his belief are as follows:<sup>1/</sup>

---

<sup>1/</sup> Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant

1. On the <sup>Morning</sup>~~evening~~ of August 26, 2010, defendant HECTOR DE LA CRUZ, arrived at John F. Kennedy International Airport in Queens, New York, aboard Jet Blue Airlines Flight No. 838 from Santiago, Dominican Republic.

2. HECTOR DE LA CRUZ was selected by Customs and Border Protection Inspectors for a routine inspection. He presented two bags for inspection: one brown "Bonjour" suitcase, one black backpack. The inspector asked routine customs questions, establishing that HECTOR DE LA CRUZ owned the suitcases and all of their contents.

3. When an inspector examined the brown "Bonjour" brand suitcase, the inspector noticed a black leather "Pagani" portfolio which was unusually thick and heavy. The inspector noticed that HECTOR DE LA CRUZ was unusually nervous at this point and also noted that the defendant had taken three short trips to the Dominican Republic within the last year. The inspector then escorted HECTOR DE LA CRUZ and his baggage to a private search room for further examination. The inspector then probed the black leather "Pagani" portfolio and found a white powdery substance. The white powdery substance field tested positive for cocaine. The inspector continued to look through the brown "Bonjour" suitcase and found an "Abtronic 2" belt, a "Velform Sauna Belt," a "Sponge Bob" portfolio, and two photo

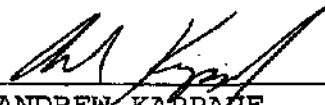
---

facts and circumstances of which I am aware.

albums, all of which felt unusually thick and heavy. The inspector probed each item and found a white powdery substance which field tested positive for cocaine. At that point, HECTOR DE LA CRUZ was placed under arrest.

4. The gross weight of the white, powdery substance found inside of the black leather "Pagani" portfolio, the "Abtronic 2" belt, the "Velform Sauna Belt," the "Sponge Bob" portfolio, and the two photo albums was approximately 3,279.2 grams.

WHEREFORE, your deponent respectfully requests that the defendant HECTOR DE LA CRUZ be dealt with according to law.

  
\_\_\_\_\_  
ANDREW KAPPAUF  
Special Agent  
Immigration and  
Customs Enforcement

Sworn to before me this  
26th day of ~~August~~ August 2010

\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK